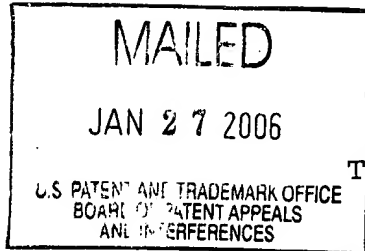


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte LARRY B. GRAY, ANN ECKERT,  
TODD M. CHELAK and ROBERT M. TUMARKIN

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Application No. 09/665,668

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter "Board") on May 31, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On October 6, 2005, the Board mailed an ORDER RETURNING UNDOCKETED APPEAL (hereinafter "Order") wherein the Board ordered the examiner to provide the missing attachments referred to on page 8 of the Examiner's Answer, mailed on March 9, 2004.

Application No. 09/665,668

In response thereto, on October 28, 2005, the examiner provided an attachment comprising a marked-up copy of claims 21 and 22. Although the examiner did not provide a copy of U.S. Patent No. 5,844,193, such would be moot.

Apparently, based on the above information, the appendix submitted by the appellants is defective since it is not a correct copy of the claims on appeal.

Accordingly, it is

ORDERED that the application is returned to the examiner to notify appellants to submit an appendix of the correct copy of claims 21 and 22 on appeal, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

CRAIG R. FEINBERG

Program and Resource Administrator  
(571) 272-9797

cc: Audley A. Ciamporcerro, Jr., Esq.  
Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003

CRF/clm/mh